

FITZGERALD KNAIER LLP

Kenneth M. Fitzgerald, Esq. (SBN: 142505)
kfitzgerald@fitzgeraldknaier.com
David M. Beckwith, Esq. (SBN: 125130)
dbeckwith@fitzgeraldknaier.com
Keith M. Cochran, Esq. (SBN: 254346)
kcochran@fitzgeraldknaier.com
402 West Broadway, Suite 1400
San Diego, California 92101
Tel: (619) 241-4810
Fax: (619) 955-5318

WARREN LEX LLP

Matthew S. Warren, Esq. (SBN: 230565)
16-463@cases.warrenlex.com
Patrick M. Shields, Esq. (SBN: 204739)
16-463@cases.warrenlex.com
2261 Market Street, No. 606
San Francisco, California 94114
Tel: (415) 895-2940
Fax: (415) 895-2964

Attorneys for Plaintiff and Counter Defendant
ViaSat, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ViaSat, Inc.,
a Delaware corporation,

Plaintiff
and Counter Defendant,

v.

Acacia Communications, Inc.,
a Delaware corporation,

Defendant
and Counter Claimant,

) Case No.: 3:16-cv-00463-BEN-JMA
)
) **Notice of Withdrawal of Plaintiff**
) **ViaSat, Inc.'s *Ex Parte* Application to**
) **Seal (Doc. No. 173)**
)
) Dist. Judge: Hon. Roger T. Benitez
) Hon. Magistrate Jan M. Adler
)
) Case Initiated: January 21, 2016
)
)
)

**TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF
RECORD:**

PLEASE TAKE NOTICE that plaintiff and counter-defendant, Viasat, Inc. (“ViaSat”) hereby withdraws its *Ex Parte* Application to Seal (Doc. No. 173), including all accompanying exhibits.

Plaintiff filed the Application in order to seal portions of expert reports and one documentary exhibit previously submitted with the parties’ pending motions, in conformance with the Court’s order (Doc. No. 169) requiring a narrower, more particularized request to seal as to those documents. Accompanying ViaSat’s application were redacted versions of the documents which the Court previously determined should not be sealed. Defendant and counterclaimant Acacia Communications, Inc. (“Acacia”) then filed its own motion to seal (Doc. No. 174), with its own redactions of those same documents, along with a request that all of the documents under consideration be sealed pending the Court’s ruling. Acacia informed Viasat that it objected to ViaSat’s public filing of the documents with its *Ex Parte* Application, and Acacia requested ViaSat to withdraw its Application so that none of the documents remain in the public record pending the Court’s determination on whether to permit sealing of portions of the documents in question. ViaSat agreed to do so, and therefore respectfully requests the Court to withdraw and remove from the record Doc. No. 173.

ViaSat will respond to Acacia’s Motion To Seal (Doc. No. 174), and ViaSat will offer its own redactions of the documents in question in the context of that response. The parties do not agree completely on what should or should not be sealed, but it will be more efficient for the Court to consider their positions by ruling on Acacia’s motion, following submission of ViaSat’s response. In the interim, ViaSat wishes to accommodate Acacia’s request that the documents remain off the public docket until these issues are fully resolved.

1 Dated: June 28, 2018

FITZGERALD KNAIER LLP

2 By: s/ *Kenneth M. Fitzgerald*

3 Kenneth M. Fitzgerald, Esq.

4 David M. Beckwith, Esq.

5 Keith M. Cochran, Esq.

6 -and-

7 WARREN LEX LLP

8 Matthew S. Warren, Esq.

9 Patrick M. Shields, Esq.

10 Attorneys for Plaintiff and Counter
11 Defendant ViaSat, Inc.
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CERTIFICATE OF SERVICE

I certify that today I am causing to be served the foregoing document by CM/ECF notice of electronic filing upon the parties and counsel registered as CM/ECF Users. I further certify that, to the extent they are not registered CM/ECF Users, I am causing the foregoing document to be served by electronic means via email upon counsel for Acacia Communications, Inc., per the agreement of counsel.

Dated: June 28, 2018

s/ Kenneth M. Fitzgerald

Kenneth M. Fitzgerald, Esq.